

SUBDIVISION REVIEW BOARD
November 7, 2005

Minutes of the Regular Meeting of the County Subdivision Review Board held in the San Luis Obispo County Board of Supervisors Chambers, San Luis Obispo, California, at 9:00 a.m.

PRESENT: MEMBERS: Aeron Arlin-Genet (Air Pollution Control), Laurie Salo (Environmental Health), Richard Marshall (Public Works), John Nall (Environmental Coordinator)

ABSENT: Chairman John Euphrat (Planning and Building)

STAFF

PRESENT: Kami Griffin, Planner, Long Range
Nick Forester, Planner, Current Planning
Elizabeth Kavanaugh, Planner, Current Planning
Michael Conger, Planner, Current Planning
Stephanie Fuhs, Planner, Current Planning
Martha Neder, Planner, Current Planning

OTHERS

PRESENT: Jim Orton, Deputy County Counsel

The meeting is called to order by Chairman Nall.

The following action minutes are listed as they were acted upon by the Subdivision Review Board and as listed on the agenda for the Regular Meeting of November 7, 2005, together with the maps and staff reports attached thereto and incorporated therein by reference.

Public Comment: None

1. This being the time set for continued hearing to consider a request by **DONALD CARNINE** for a Tentative Parcel Map using the Transfer of Development Credits program to subdivide an existing 40 acre parcel into two parcels of 20 acres each. The proposed project is within the Agriculture land use category and is located at 4242 Las Tablas-Willow Creek Road, approximately 3.5 miles west of the community of Templeton. The site is in the Adelaida planning area. This project is found to be statutorily exempt from the California Environmental Quality Act under the provisions of Public Resources Code section 21080(b)(5), which provides that CEQA does not apply to projects, which a public agency rejects or disapproves. **County File Number: SUB2004-00348 / CO 05-0090**. APN: 039-071-021. Supervisorial District: 1. Date Accepted: July 6, 2005.

Nick Forester, planner, presents staff report and shows overhead of the project. He discusses the recommendation for denial and states the proposed map is inconsistent with county general and specific plans because it does not comply with Ag and Open Space Policy, with General Goal 8 of Framework for Planning, protection of agriculture land, and does not meet the criteria to be a receiving site.

Toby Osgood/EMK, discusses the project and comments on the petition that many of the neighbors signed in support of the project. She gives tour of the project on the overhead.

Discusses TDC program and states the applicant met the rules for the TDC program when they applied for the project. The applicants will not build secondary residences. She comments on the findings to deny the project and request that this be approved.

Don Carnine, applicant, discusses the project and states there will not be new development on the parcels.

Julie Veara, states she wants to buy the 20 acre parcel and raise their children in the country.

Mr. Verara:, wants a place for his nieces and nephew to visit.

Eric Greening, discusses TDC program and states he objects to receiver sites in Ag Zoning. He states he supports staff recommendation to deny this project.

Marie Lorca, Creston Citizens for Ag Land Preservation, discusses TDC's. She is in agreement with the staff recommendation. She wants to preserve the agriculture resources.

Sue Havey, President of Paso Watch, she discusses TDC's and states TDC's were not intended for ag land.

Pamela Jardini, requests support for the subdivision. Ag land was allowed to be divided using the TDC program at the time of their application.

Jamie Kirk, discusses TDC's and states the project meets the rules in place today. It will not increase development in the area. Applicants will have one house on each parcel. She supports the project.

Richard Marshall, discusses livestock operation with Tobey Osgood responding that the livestock is 4-H projects for the children and not for profit.

Board discussion: The limitation of one dwelling per parcel, TDC's requirements, five mile radius, and rules at time of application with staff responding.

Matter is fully discussed, thereafter, on motion of Mr. Marshall, seconded by Ms. Arlin-Genet, and carried, in the absence of Mr. Euphrat, to deny tentative Parcel Map CO 05-0090 based on Findings listed in Exhibit A.

2. This being the time set for continued hearing to consider a request by **KEN LERNO** for a Tentative Parcel Map to subdivide an existing 5.94-acre parcel into two parcels of approximately 3.4 and 2.5 acres each for the purpose of sale and/or development. The proposed project is within the Residential Suburban land use category and is located on the northwest corner of Ross Drive and Grace Drive, approximately 1,000 feet north of Highway 46, in the village of Whitley Gardens, east of the City of Paso Robles in the Shandon/Carrizo planning area. Also to be considered at the hearing will be approval of the Environmental Document prepared for the project pursuant to the California Environmental Quality Act, Public Resources Code Section 21000 et seq. Mitigation measures are proposed to address biology and water. **County File Number SUB2003-00095 / CO 04-0008**. APN: 019-221-044. Supervisorial District: 1. Date Accepted: October 8, 2004.

Elizabeth Kavanaugh, planner, discusses project. Staff requests a continuance to December 5, 2005, to allow Environmental Health Department time to receive a report from the Green River Mutual Water Company.

Jamie Kirk, agent, gives an update on the project. States they have received a will serve letter from the Green River Mutual Water Company and that should satisfy the CDF issue.

Matter is fully discussed, thereafter, on motion of Ms. Salo, seconded by Mr. Marshall, and carried, in the absence of Mr. Euphrat, this board continues the above item to December 5, 2005, at 9 a.m.

3. This being the time set for hearing to consider a request by **George Burgett, Eugene H. Barre Jr. & Michael H. Barre** for Tentative Parcel Map (CO 05-0016) to subdivide an existing 5.44-acre parcel into three parcels of approximately 1.57, 1.77, 1.75 acres each for the purpose of sale and/or development and designate the project site as a TDC Receiver Site. The proposed project is within the Residential Suburban land use category and is located at 14250 San Antonio Road, on the southwestern side of San Antonio Road, approximately 1,500 feet southeast of Santa Margarita Road, southeast of the City of Atascadero, in the Salinas River planning area. Also to be considered at the hearing will be approval of the Negative Declaration prepared for the item, in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000, et seq., Mitigation measures are proposed to address biological resources. Comments will be accepted up until completion of the public hearing(s). **County File Number: SUB2004-00346.** Assessor Parcel Number: 059-141-053. Supervisorial District: 5. Date Accepted: June 3, 2005.

Elizabeth Kavanaugh, staff, request this item be continued to Jan 9, 2005. A mapping error came to staffs attention and staff would like time to review the new map.

Pam Jardini, agent, states the mapping error has been corrected and submitted to Planning and Public Works Department. She request this tem be continued to December 5, 2005.

Katherine Sweet, discusses her concerns regarding TDC's. She comments on the impact of the subdivision.

Fred O'Toole, comments on TDC Receiver Sites in south Atascadero. He has concerns with soil absorption and drainage issues. He also has concerns regarding fire and police protection. He discusses concerns regarding the traffic.

Kami Griffin, staff, states this project was accepted June 2, 2005, and staff must evaluate this project using the standards in effect at time of acceptance.

Fred O'Toole, states he would like staff to look toward the future regarding the TDCs.

Matter is fully discussed, and thereafter, on motion of Mr. Marshall, seconded by Ms. Salo, and carried, in the absence of Mr. Euphrat, this board continues the above item to January 9, 2006.

4. This being the time set for hearing to consider a request by **Joe Rodrigues** for a Vesting Tentative Parcel Map to subdivide an existing 22.67 acre parcel into two parcels of approximately 7.0 acres and 15.67 acres each for the purpose of sale and/or development. The proposed project is within the Residential Rural land use category and is located at 2350 Homestead Road, north of Highway 41, approximately 1.6 miles east of the City of Atascadero. The site is in the El Pomar-Estrella planning area. The Environmental Coordinator finds that the previously adopted Negative Declaration is adequate for the purposes of compliance with CEQA because no substantial changes are proposed in the project which will require major revision of the

previous Negative Declaration, no substantial changes occur with respect to the circumstance under which the project is undertaken which will require major revision of the previous Negative Declaration, and no new information of substantial importance has been identified which was not known at the time that the previous Negative Declaration was adopted. **County File No: SUB 2005-00053/CO03-0289**, Assessor Parcel Number: 034-461-023. Supervisorial District: 1, Date Accepted: September 28, 2005.

Michael Conger, planner, presents staff report and shows map of project.

Mr. Joe Rodrigues, states he is in agreement with conditions.

Ms. Arlin-Genet, states she will vote no because it is not consistent with the clean air plan.

Matter is fully discussed, and thereafter, on motion of Mr. Marshall, seconded by Ms. Salo, and carried, with Ms. Arlin-Genet voting no, and in the absence of Mr. Euphrat, to grant vesting tentative Parcel Map CO 05-0289 to Joe Rodrigues, based on the Findings in Exhibit A and the Conditions in Exhibit B, and find the project consistent with the previously adopted Negative Declaration.

5. This being the time set for hearing to consider a request by **GRANT MOORE/WILSON LAND SURVEYS** for a Vesting Tentative Parcel Map to subdivide an existing 20.54 acre parcel into two parcels of 10 and 10.54 acres each for the purpose of sale and/or development. The proposed project is within the Residential Rural land use category. The project is located on the north side of Tiffany Ranch Road (1215 Tiffany Ranch Road), approximately five miles south of the City of San Luis Obispo. The site is in the San Luis Obispo (Inland) planning area. Also to be considered at the hearing will be approval of the Negative Declaration prepared for the item pursuant to Public Resources Code Section 21000 et seq. Mitigation measures are proposed to address Public Services and Utilities, Recreation, and Land Use. **County File No: SUB2003-00195 / CO 03-0218**. APN: 044,232,002. Supervisorial District 4. Date Accepted: July 11, 2005.

Stephanie Fuhs, planner, presents staff report and shows overhead of project.

Ken Wilson /Wilson Land Surveys, states he is in agreement with conditions

Ms. Arlin-Genet:, states she will vote no because it is inconsistent with departments land use strategy.

Matter is fully discussed, and thereafter, on motion of Ms. Salo, seconded by Mr. Marshall, and carried, with Ms. Arlin-Genet voting no, and in the absence of Mr. Euphrat, to approve the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq and granting a Vesting Tentative Parcel Map CO 03-0218, based on findings in Exhibit A and Conditions in Exhibit B.

6. This being the time set for hearing to consider a request by **Clyde Warren** for a Lot Line Adjustment/Coastal Development Permit to adjust the lot lines between two parcels of approximately 319 acres and .1 acres each. The adjustment will result in

two parcels of 318 acres and 1.1 acres each. The project will not result in the creation of any additional parcels. The proposed project is within the Agriculture and Recreation land use categories and is located at 1022 San Simeon Creek Road north of the community of Cambria. This project is exempt under CEQA. The site is in the North Coast planning area. **County File No: SUB2004-00218/COAL04-0587.** Assessor Parcel Numbers: 013-061-009, 010 & 011. Supervisorial District 2. Date Accepted: October 4, 2005.

Martha Neder, planner, presents staff report and shows overhead of project.

Terry Orton/Westland Engineering, comments on Condition 10 and states applicant will conform to the uses. He states they would like Condition 11a and 11c deleted.

Clyde Warren, comments on some of the other grandfathered uses in the area.

Susan Warren, states part of the estate is needed to help care for their mother.

Board members: Discussion ensues regarding the historical resource of the school building and concerns with the agriculture buffer zones.

Terry Orton, states the existing structure is within the agriculture setback.

Board members: Discussion regarding the remodel of the school house. They discuss changes to Condition 11a and the deletion of Condition 11c.

Matter is fully discussed, and thereafter, on motion of Mr. Marshall, seconded by Ms. Salo, and carried, in the absence of Mr. Euphrat, to grant Lot Line Adjustment COAL 04-0587 to Clyde Warren, based on the Findings in Exhibit A and Conditions in Exhibit B, with Condition 11a to read: "An agricultural buffer prohibiting new residential structures, consisting of 100 feet along the entire length of the eastern property line, 75 foot buffers on the western and northern property lines, and a 50 foot buffer on the southern property line of Parcel 1 shall be shown on future construction permit applications plans. This buffer shall be for residential structures only. At the time of application for construction permits, the applicant shall clearly delineate the agricultural buffer on the project plans"; and with condition 11c deleted.

There being no further business, the meeting is adjourned.

Respectfully submitted

Eleanor Porter, Secretary
County Subdivision Review Board